S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5690/2007
(Smt. Anopi and Anr. Vs. State of Rajasthan)

DATE OF ORDER : 21/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. J.P.Chhangani for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioners and Public Prosecutor for the State. Perused the order impugned and the statement of the prosecutrix recorded by Judicial Magistrate No.1, Bhilwara under Section 164 Cr.P.C.

The prosecutrix, in her statement, stated that she lived with Shanker for a period of 12 months at his house. The only grievance of the prosecutrix is that Shanker did not marry her even after the prosecutrix having lived with him as his wife.

Looking to the facts and circumstances of the case and the fact that there can be no allegation of rape or facilitating the rape, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioners under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioners u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Smt. Anopi W/o Shri Gangaram Balai and Santosh D/o Shri Gangaram Balai in FIR No. 454/2007 P.S. City Kotwali, Bhilwara, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after

conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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